

CROWSON
VS
WASHINGTON COUNTY

BRETT LYMAN

April 16, 2018



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April 16, 2018

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

* * *

MARTIN CROWSON,)
)
Plaintiff,)
) Case No. 2:15-cv-00880
vs.)
) Deposition of:
WASHINGTON COUNTY,)
et al.,) BRETT LYMAN
)
Defendants.)

COPY

* * *

April 16, 2018

9:00 a.m.

WASHINGTON COUNTY TREASURER OFFICE
197 East Tabernacle Street
St. George, Utah

* * *

Linda Van Tassell
- Registered Diplomat Reporter -
Certified Realtime Reporter

April 16, 2018

<p style="text-align: right;">2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>For the Plaintiff: Ryan J. Schriever SCHRIEVER LAW FIRM 51 East 800 North Spanish Fork, Utah 84660</p> <p>For the Defendant: Frank D. Mylar MYLAR LAW, PC 2494 Bengal Boulevard Salt Lake City, Utah 84121</p> <p>For the Defendant: Gary T. Wight Larowe: KIPP & CHRISTIAN 10 Exchange Place, 4th Floor Salt Lake City, Utah 84111</p> <p>Also Present: Brian Graf</p> <p style="text-align: center;">* * *</p> <p style="text-align: center;">I N D E X</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">EXAMINATION</td> <td style="width: 50%; text-align: right;">PAGE</td> </tr> <tr> <td>By Mr. Schriever</td> <td style="text-align: right;">3</td> </tr> <tr> <td>By Mr. Wight</td> <td style="text-align: right;">79</td> </tr> <tr> <td>By Mr. Schriever</td> <td style="text-align: right;">80</td> </tr> </table>	EXAMINATION	PAGE	By Mr. Schriever	3	By Mr. Wight	79	By Mr. Schriever	80	<p style="text-align: right;">3</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p style="text-align: center;">BRETT LYMAN,</p> <p>called as a witness on behalf of the plaintiff, being duly sworn, was examined and testified as follows:</p> <p style="text-align: center;">EXAMINATION</p> <p>BY MR. SCHRIEVER:</p> <p>Q. Would you please state your full name for the record.</p> <p>A. Brett Armand Lyman.</p> <p>Q. Brett is with one T or two Ts?</p> <p>A. Two.</p> <p>Q. And how do you spell Armand?</p> <p>A. A-r-m-a-n-d.</p> <p>Q. Where do you currently live?</p> <p>A. In Hurricane, Utah.</p> <p>Q. What's your phone number?</p> <p>A. (435) 632-8622.</p> <p>Q. Have you ever had a deposition taken before?</p> <p>A. No.</p> <p>Q. Well, as you are aware, I believe, we're here in regard to a lawsuit involving a man named Martin Richard Crowson. Are you familiar him?</p> <p>A. Yes.</p>
EXAMINATION	PAGE								
By Mr. Schriever	3								
By Mr. Wight	79								
By Mr. Schriever	80								
<p style="text-align: right;">4</p> <p>Q. The allegations here are that there were some things that happened regarding medical treatment that shouldn't have happened. Do you know the incident I'm referring to?</p> <p>A. After reading about it, yes.</p> <p>Q. I'm going to get to that. A deposition is testimony under oath. There's obviously no judge here today. This is called a discovery deposition.</p> <p>A. Right.</p> <p>Q. Which means I get to ask you questions about the incident, about your memory of the event. The only thing I expect is that you'll give us truthful complete answers.</p> <p>A. Right.</p> <p>Q. From time to time I may ask you a question that your counsel will object to. That is usually for the purpose to make sure the objections are preserved later on so when we're in court he can argue that he did object.</p> <p>A. Right.</p> <p>Q. Most of the time you'll answer. If he doesn't want you to answer, he'll instruct you not to answer.</p> <p>A. Right.</p> <p>Q. It's not a marathon. I don't expect</p>	<p style="text-align: right;">5</p> <p>that we're going to be here -- we've got about three hours set aside for this but I don't think it will take that long but if you do need a break for any reason, let me know and we can do that.</p> <p>A. Right.</p> <p>Q. Do you have any questions as to what a deposition is?</p> <p>A. No.</p> <p>Q. Have you taken any medications that would impair your ability to understand questions and answer appropriately?</p> <p>A. No.</p> <p>Q. Just to give you a road map of the organization that I'm going to try to follow today, although it may be loose because I may follow your train of thought from time to time as well, I just want to get some background information about who you are and kind of what your experience is.</p> <p>A. Okay.</p> <p>Q. Then I want to talk to you about the procedures and processes in place at Purgatory jail to the best of your knowledge and what you did there as a job.</p> <p>A. Okay.</p> <p>Q. And then I want to speak with you</p>								

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<p style="text-align: right;">6</p> <p>1 specifically about Mr. Crowson --</p> <p>2 A. Okay.</p> <p>3 Q. -- and then about the events that you</p> <p>4 remember.</p> <p>5 A. All right.</p> <p>6 Q. What is your date of birth?</p> <p>7 A. 12-10-66.</p> <p>8 Q. Are you currently employed?</p> <p>9 A. Yes.</p> <p>10 Q. Where are you employed?</p> <p>11 A. Intermountain Healthcare.</p> <p>12 Q. What do you do for Intermountain</p> <p>13 Healthcare?</p> <p>14 A. I work as a security officer for the</p> <p>15 hospital.</p> <p>16 Q. At Dixie Regional?</p> <p>17 A. Yes.</p> <p>18 Q. How long have you been doing that?</p> <p>19 A. Almost a year.</p> <p>20 Q. When were you employed with the county?</p> <p>21 A. April of '98 until July of 2015.</p> <p>22 Q. And since that time have you been</p> <p>23 employed with Intermountain?</p> <p>24 A. No.</p> <p>25 Q. Where else have you worked?</p>	<p style="text-align: right;">7</p> <p>1 A. I've worked for McNabb Trucking in</p> <p>2 Pocatello, Idaho. I've worked with Harley-Davidson,</p> <p>3 Zion Harley-Davidson. I've worked for Saddleback</p> <p>4 Lighting. That's pretty much it.</p> <p>5 Q. Were all those jobs in between 2015 and</p> <p>6 2018?</p> <p>7 A. Yes.</p> <p>8 Q. Prior to getting employment with the</p> <p>9 county in April of -- you said 1998?</p> <p>10 A. Uh-huh.</p> <p>11 Q. Prior to that, what did you do for a</p> <p>12 living?</p> <p>13 A. Construction.</p> <p>14 Q. What kind of construction did you do?</p> <p>15 A. You name it, I've done it. Mostly</p> <p>16 concrete but framing, painting, sheetrock, finish</p> <p>17 carpentry.</p> <p>18 Q. What's your educational background?</p> <p>19 A. I have about three years of college,</p> <p>20 maybe a little bit more.</p> <p>21 Q. Where did you go to college?</p> <p>22 A. San Bernardino Valley College, Riverside</p> <p>23 Community College and Palomar College, all down in</p> <p>24 California.</p> <p>25 Q. Is that where you were raised, in</p>
<p style="text-align: right;">8</p> <p>1 Southern California?</p> <p>2 A. Yes.</p> <p>3 Q. How long have you lived in Utah?</p> <p>4 A. Twenty-five, 26 years.</p> <p>5 Q. Do you have any degrees or certificates?</p> <p>6 A. No.</p> <p>7 Q. What did you do to become a correctional</p> <p>8 officer?</p> <p>9 A. The testing process, is that what you're</p> <p>10 looking for?</p> <p>11 Q. Yeah. What process did you go through</p> <p>12 to become a correctional officer?</p> <p>13 A. The county was in the process of</p> <p>14 building Purgatory and they did an inhouse academy</p> <p>15 which at that time was called Special Function. It</p> <p>16 was the first part of becoming a law enforcement</p> <p>17 officer but you only had to have that first part in</p> <p>18 order to work at the jail. And we came here Monday</p> <p>19 through Thursday nights for four hours and four</p> <p>20 hours on Saturday mornings and we did that for I</p> <p>21 think three to four months. And in order to get</p> <p>22 there, though, you had to do a physical fitness test</p> <p>23 and extensive background checks. That's about it.</p> <p>24 Q. Did you complete all that prior to your</p> <p>25 employment in 1998?</p>	<p style="text-align: right;">9</p> <p>1 A. Yes.</p> <p>2 Q. Did you do any POST training anywhere</p> <p>3 else?</p> <p>4 A. Not outside the county, no. There is a</p> <p>5 lot of training we did over the years when I was</p> <p>6 employed with the county.</p> <p>7 Q. What kind of training is that? What are</p> <p>8 you talking about?</p> <p>9 A. Firearms instructor training, extensive</p> <p>10 firearms basic training, carbine training, shotgun</p> <p>11 training. We go through an annual training. You</p> <p>12 have to maintain 40 hours of training every year to</p> <p>13 recertify your law enforcement certification and so</p> <p>14 there was a lot of first-aid, CPR, AED, a lot of</p> <p>15 like HIPAA and there were a lot of other laws</p> <p>16 pertaining to corrections that we trained every year</p> <p>17 as part of that.</p> <p>18 Q. Okay. You mentioned several things</p> <p>19 related to healthcare, even some that aren't viewed</p> <p>20 as healthcare like first-aid, CPR, things like that.</p> <p>21 A. Right.</p> <p>22 Q. Did you receive any training alongside,</p> <p>23 for example, the nurses that worked at the prison?</p> <p>24 A. They would actually -- a lot of the</p> <p>25 nurses would do the first-aid training themselves</p>

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<p style="text-align: right;">10</p> <p>1 but we received that training and a lot of them were</p> <p>2 in the trainings as well.</p> <p>3 Q. Okay.</p> <p>4 A. When you say alongside --</p> <p>5 Q. Well, I don't have any answer in mind</p> <p>6 when I ask the question. I'm listening to you.</p> <p>7 A. Okay.</p> <p>8 Q. So did any of the training involve</p> <p>9 things like recognizing medical conditions, anything</p> <p>10 like that?</p> <p>11 A. Not specifically that I can recall. It</p> <p>12 was just basic CPR and first-aid.</p> <p>13 Q. Any training in inmate discipline?</p> <p>14 A. No.</p> <p>15 Q. Did you ever work for the county at the</p> <p>16 Purgatory jail?</p> <p>17 A. Yes. I worked at the fifth district</p> <p>18 courthouse and justice court as court security</p> <p>19 three or four different times but a total of about</p> <p>20 five years of my time with the county.</p> <p>21 Q. Okay. Other than that, were you a</p> <p>22 correctional officer at Purgatory?</p> <p>23 A. Yes. Now, at that time the court</p> <p>24 security was under the corrections side of the</p> <p>25 sheriff's office. These days it's under the patrol</p>	<p style="text-align: right;">11</p> <p>1 side.</p> <p>2 Q. Help me understand that a little bit</p> <p>3 better. Well, let me ask you first. At all times</p> <p>4 when you worked for the county --</p> <p>5 A. I was in corrections, yes.</p> <p>6 Q. And you're saying now it's changed?</p> <p>7 A. No. The correction or the court</p> <p>8 security in its little division, whatever you want</p> <p>9 to say, you have the corrections part of the</p> <p>10 sheriff's office, you have the patrol side and when</p> <p>11 I worked court security the courts fell under the</p> <p>12 corrections side of the sheriff's office as far as</p> <p>13 day-to-day stuff. At some point after I left court</p> <p>14 security, they put it under the patrol side of the</p> <p>15 sheriff's office.</p> <p>16 Q. Okay.</p> <p>17 A. I have no idea why. That's just what</p> <p>18 happened.</p> <p>19 Q. And that never affected you --</p> <p>20 A. Right.</p> <p>21 Q. -- because you were always in the</p> <p>22 corrections side.</p> <p>23 A. Right.</p> <p>24 Q. When you left your job in 2015, what was</p> <p>25 the reason you left your job?</p>
<p style="text-align: right;">12</p> <p>1 A. Well, I --</p> <p>2 MR. MYLAR: I'm just going to interject</p> <p>3 here. To the extent you talk about his employment</p> <p>4 background that's not completely relevant to the</p> <p>5 suit, I'm going to ask that it be considered</p> <p>6 confidential and protected so that it would not be</p> <p>7 able to be filed or be filed under seal and that</p> <p>8 type of thing.</p> <p>9 MR. SCHRIEVER: I'll stipulate, too.</p> <p>10 MR. MYLAR: Okay, great. So if you</p> <p>11 could just make a marking now in the deposition this</p> <p>12 is confidential.</p> <p>13 MR. SCHRIEVER: Okay.</p> <p>14 MR. MYLAR: Thanks.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">13</p> <p>1 C O N F I D E N T I A L</p> <p>2 Q. Go ahead. I was asking you about the</p> <p>3 reasons you left your employment and are no longer</p> <p>4 at Washington County.</p> <p>5 A. An inmate of African American heritage</p> <p>6 claimed that I called him a nigger and that prompted</p> <p>7 an investigation which on that part of it -- well,</p> <p>8 throughout the whole investigation I had been</p> <p>9 cleared but there were other things that other staff</p> <p>10 brought up as far as making complaints against me,</p> <p>11 not just the inmates but there were other inmates</p> <p>12 that backed my side of the story because that is not</p> <p>13 the type of person that I am. I never did my job</p> <p>14 that way. I don't think that way.</p> <p>15 So after the investigation was over then</p> <p>16 they decided to put me on administrative leave and I</p> <p>17 took it as a sign for me to resign. Usually during</p> <p>18 an investigation they put you on administrative</p> <p>19 leave pending the outcome but there were -- it</p> <p>20 wasn't the normal way of doing things and you either</p> <p>21 take the chance on not getting fired and keeping</p> <p>22 what years of service you have towards a retirement</p> <p>23 or, if you get fired, you lose all that.</p> <p>24 And so at that time, even though I knew</p> <p>25 that I had been cleared in the investigation that</p> <p style="text-align: center;">C O N F I D E N T I A L</p>

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<p style="text-align: right;">14</p> <p>1 the county decided to put me on administrative leave 2 that it didn't bode well for me. 3 Q. You said there were staff complaints. 4 What kind of complaints did the staff make? 5 A. The only one that I was bringing outside 6 food in for the inmates, which I didn't bring 7 outside food in for myself. I know that there was a 8 couple of people on our shift that on Saturdays or 9 Sundays they would go get pizzas or donuts. I have 10 no idea how that turned to me but I know that there 11 were at least from how I saw things there were young 12 younger staff that did not like working for me 13 because the new generation coming in didn't have a 14 work ethic and they didn't like me. You come, you 15 to work, you get to work. You better be ready to 16 work, have your shirt tucked in, your boots tied up 17 and be ready to go. Anyway, I was being really 18 difficult to be around and I sometimes wonder if 19 that was what -- I was driving myself away. 20 Q. Okay. I want to ask you about the -- 21 well, any other grievances or complaints that you 22 remember that were significant in regard to that? 23 A. No. 24 MR. SCHRIEVER: And I don't have any 25 other questions if we want to remove the designation CONFIDENTIAL</p>	<p style="text-align: right;">15</p> <p>1 that we're in. 2 MR. MYLAR: You're not going to have any 3 other questions on that area, is that what you're 4 saying? 5 MR. SCHRIEVER: There are still some 6 issues of grievances but nothing about losing his 7 employment. 8 MR. MYLAR: Well, to the extent the 9 grievances don't have anything to do with this 10 instance -- 11 MR. SCHRIEVER: Or at least this inmate. 12 MR. MYLAR: Yeah. 13 MR. SCHRIEVER: Right. 14 THE WITNESS: Well, when you say 15 grievances, to me -- I know what you're probably 16 going to get at. 17 MR. MYLAR: Well, let him ask the 18 questions. 19 THE WITNESS: Okay. 20 MR. SCHRIEVER: The whole thing can be 21 filed under sealed for all I care. That doesn't 22 really bother me. 23 MR. MYLAR: Okay. 24 MR. SCHRIEVER: I'm not here to try to 25 get any kind of media attention to this. CONFIDENTIAL</p>
<p style="text-align: right;">16</p> <p>1 MR. MYLAR: Okay. 2 MR. SCHRIEVER: We already turned down a 3 news interview from ABC, to be honest with you. 4 That's not what I'm after. 5 MR. MYLAR: Okay. 6 Q. I guess the question that he raised is 7 complaints with the employment versus grievances. 8 Do you see those as two separate things? 9 A. Well, there are inmate grievances as far 10 as inside the correctional setting that dealt with 11 day-to-day things, not a grievance that is going to 12 get somebody terminated. 13 Q. And we're still under seal here. This 14 particular one that you mentioned, the incident 15 where the inmate accused you of calling him a 16 nigger -- 17 A. Right. 18 Q. -- that began as an inmate grievance. 19 A. Yes. 20 Q. And then during the investigation it 21 escalated into something more than that because 22 there were other staff members and other things who 23 piled on, I guess. 24 A. Right. Yeah. 25 Q. And had their own complaints. CONFIDENTIAL</p>	<p style="text-align: right;">17</p> <p>1 A. They didn't -- yeah. 2 Q. So when we're talking about inmate 3 grievances, we're talking about things that start 4 with the inmate making a complaint. 5 A. Right. 6 Q. And where do they file that or how do 7 they initiate that? 8 A. Well, in the first part of my career 9 they started by writing it on a piece of paper and 10 then they have -- they brought these TellMate kiosks 11 into the sections and then the inmates I believe did 12 it on one of those. 13 Q. And I don't know if I just didn't hear 14 you correctly or if I don't know the words that you 15 used. You said tail -- 16 A. TellMate. 17 Q. TellMate, what is that? 18 A. It is a video -- well, it's a phone and 19 a video visiting unit that the county bought into 20 and basically everything is done electronically 21 rather than writing things on pieces of paper. Like 22 an inmate requests, "Hey, I only have one pair of 23 socks. I need two pairs of socks." Rather than 24 write that on a piece of paper, now it's done 25 electronically. CONFIDENTIAL</p>

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<p style="text-align: right;">18</p> <p>1 Q. And they use a kiosk?</p> <p>2 A. Yes.</p> <p>3 Q. So it's a physical station in the</p> <p>4 section?</p> <p>5 A. Yeah.</p> <p>6 Q. Where the inmate can go to. Do they</p> <p>7 pick up a phone and --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- dictate or transcribe whatever they</p> <p>10 say?</p> <p>11 A. No. They have to type it.</p> <p>12 Q. Oh, they type it.</p> <p>13 A. Yeah.</p> <p>14 Q. They type it. Then where does it go</p> <p>15 from there?</p> <p>16 A. I don't know. As far as I know, each --</p> <p>17 I don't really know or I don't recall.</p> <p>18 Q. Okay. They use TellMate to initiate a</p> <p>19 grievance then?</p> <p>20 A. Yes.</p> <p>21 Q. Can they use it to report that they have</p> <p>22 had confrontation with another inmate?</p> <p>23 A. They could, yes.</p> <p>24 Q. Could they talk about how they had a</p> <p>25 confrontation with a correctional officer?</p> <p style="text-align: center;">CONFIDENTIAL</p>	<p style="text-align: right;">19</p> <p>1 A. They could, yes.</p> <p>2 Q. Could they use it to report that they</p> <p>3 didn't like their lunch?</p> <p>4 A. Yeah.</p> <p>5 Q. What are the types of things they can</p> <p>6 use that for, or did they use that for?</p> <p>7 A. If they had money, they could play games</p> <p>8 on it. They can set up video visiting with their</p> <p>9 family.</p> <p>10 Q. How many of these were there in each</p> <p>11 section?</p> <p>12 A. I want to say at least two but they were</p> <p>13 relatively new. I don't know -- it wasn't there</p> <p>14 that long before I left so I never really got to</p> <p>15 know much about them.</p> <p>16 Q. Okay. Prior to this installation of</p> <p>17 TellMate kiosks, was the process for the inmate to</p> <p>18 initiate a grievance that the inmate would write out</p> <p>19 on a piece of paper what the grievance was?</p> <p>20 A. Yes.</p> <p>21 Q. And then they would give it to someone.</p> <p>22 Who would they give it to?</p> <p>23 A. They had to give it to an officer.</p> <p>24 Q. And then what would the officer do with</p> <p>25 it?</p> <p style="text-align: center;">CONFIDENTIAL</p>
<p style="text-align: right;">20</p> <p>1 A. We would go into the computer system and</p> <p>2 log that into their -- each inmate is assigned a</p> <p>3 number. You go into their number so you're into</p> <p>4 their whole system and you have to put that you</p> <p>5 accepted that grievance, which means that you accept</p> <p>6 responsibility to turn that in to the proper place</p> <p>7 in a proper manner.</p> <p>8 Q. So it just goes into like a file for the</p> <p>9 inmate under that inmate's number, is that what it</p> <p>10 is?</p> <p>11 A. Well, the paper doesn't. You just go</p> <p>12 into the computer system and so that there's kind of</p> <p>13 a timestamp on when it was accepted by the officer</p> <p>14 and then the officer puts it or directs it where it</p> <p>15 needs to go.</p> <p>16 Q. Let me ask you, as long as we're talking</p> <p>17 about this computer system, what types of things --</p> <p>18 did the computer system have a name?</p> <p>19 A. As far as -- oh, Spillman.</p> <p>20 Q. Is it Spillman?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So you put all these grievances</p> <p>23 into Spillman. What else goes into Spillman?</p> <p>24 A. Every time they left for court, every</p> <p>25 time they went out to the recreation yard, every</p> <p style="text-align: center;">CONFIDENTIAL</p>	<p style="text-align: right;">21</p> <p>1 time they went to medical, every time you had a</p> <p>2 conversation with an inmate, depending on what it</p> <p>3 was. You know, you go into the dormitory section</p> <p>4 and you shake down an inmate's bunk, you go back in</p> <p>5 and if there was anything that you found you just</p> <p>6 put it down that that happened to that inmate, his</p> <p>7 bunk, whether there was no findings or any rule</p> <p>8 violations or not, just so there was a record that</p> <p>9 it was done.</p> <p>10 Q. Were there any other computer files kept</p> <p>11 by correctional officers other than Spillman?</p> <p>12 A. As far as --</p> <p>13 Q. Anything.</p> <p>14 A. Not that I know of. I didn't keep any.</p> <p>15 Q. Did you have to enter information into</p> <p>16 any program other than Spillman?</p> <p>17 A. No, I did not.</p> <p>18 Q. Were there other people at the prison</p> <p>19 who did?</p> <p>20 A. I don't know.</p> <p>21 Q. What about medical people, did they</p> <p>22 enter their notes into Spillman?</p> <p>23 A. I think they did some in Spillman.</p> <p>24 MR. MYLAR: Objection. Lack of</p> <p>25 foundation.</p> <p style="text-align: center;">CONFIDENTIAL</p>

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<p style="text-align: right;">22</p> <p>1 Q. Just to the extent that you know.</p> <p>2 A. Not that I know of. I was not privy to</p> <p>3 that.</p> <p>4 Q. Did you ever have access to any of the</p> <p>5 inmates' medical records or medical histories?</p> <p>6 A. No.</p> <p>7 Q. Were there ever instances where an</p> <p>8 inmate had a medical instance you were made aware of</p> <p>9 so you could watch for symptoms?</p> <p>10 A. Well, not that we were made aware of but</p> <p>11 there were several inmates that were frequent enough</p> <p>12 in there that we knew, like diabetics, couple of</p> <p>13 guys had food allergies, that type of stuff.</p> <p>14 Q. To your knowledge, walk me through the</p> <p>15 process of an inmate coming into the jail. To your</p> <p>16 knowledge, what's the booking process?</p> <p>17 MR. MYLAR: Wait. I think we could</p> <p>18 probably just remove the confidential at this point.</p> <p>19</p> <p>20 END CONFIDENTIAL</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 CONFIDENTIAL</p>	<p style="text-align: right;">23</p> <p>1 A. It's been so long since even long before</p> <p>2 I left out there I had nothing to do with booking.</p> <p>3 Q. Okay.</p> <p>4 A. I could tell you the law enforcement</p> <p>5 agency arrests somebody, they bring them in, they</p> <p>6 book them on the computer system. I know a nurse</p> <p>7 talks to them. At some point in time the booking</p> <p>8 staff completes their intake of a person and then,</p> <p>9 depending on who knows what, will depend on where</p> <p>10 they get housed.</p> <p>11 I worked booking -- I take that back. I</p> <p>12 did work booking probably about two years in but it</p> <p>13 was only for about six months and by the time I left</p> <p>14 the process was nothing like it was when I was there</p> <p>15 and I never put in to work booking. I never asked</p> <p>16 to. Just seemed like it was a big headache to me.</p> <p>17 Q. Okay. As a correctional officer, did</p> <p>18 you ever have access to any of the information that</p> <p>19 was obtained during the booking process?</p> <p>20 A. Yeah. You could go into Spillman and</p> <p>21 look but it was not something that was encouraged.</p> <p>22 Usually it seemed like the new officers always</p> <p>23 wanted to see why somebody was arrested and I</p> <p>24 discouraged that from happening because as a</p> <p>25 corrections officer it didn't matter who or why</p>
<p style="text-align: right;">24</p> <p>1 somebody was in there unless they posed a threat to</p> <p>2 safety. You didn't want that clouding your judgment</p> <p>3 on how you dealt with people.</p> <p>4 Q. Okay. So the booking information was in</p> <p>5 Spillman as well?</p> <p>6 A. Yes.</p> <p>7 Q. And that would contain the crime that</p> <p>8 they were convicted of?</p> <p>9 A. Not convicted. Why they were arrested.</p> <p>10 Q. So this is --</p> <p>11 A. Just the charges.</p> <p>12 Q. You had people in there who had been</p> <p>13 convicted as well, didn't you, or were these just</p> <p>14 people who had only been arrested but not yet</p> <p>15 convicted?</p> <p>16 A. No. We had people that were sentenced,</p> <p>17 yes, that had convictions. But prior convictions,</p> <p>18 unless they were there doing their time for that</p> <p>19 specific conviction, their past convictions -- I</p> <p>20 guess I don't know if that was in there or not.</p> <p>21 Q. And you indicated that your belief was</p> <p>22 that a nurse would go out and see the inmates who</p> <p>23 had been booked as well.</p> <p>24 A. I believe so, yes.</p> <p>25 Q. Did you personally observe that?</p>	<p style="text-align: right;">25</p> <p>1 A. No.</p> <p>2 Q. What's your basis for your belief that</p> <p>3 that happened?</p> <p>4 A. Hearing people talk about it. I would</p> <p>5 come up to booking from time to time. You would see</p> <p>6 people come in, especially if there was a combative</p> <p>7 person coming in and officers would go to booking</p> <p>8 and there would always be a nurse there and so I</p> <p>9 guess in a way I did see it but it wasn't part of my</p> <p>10 job. It wasn't part of my job description, so to</p> <p>11 speak. It's not where I was assigned.</p> <p>12 Q. Okay. How many blocks were there at the</p> <p>13 prison?</p> <p>14 A. A, B, C, D, E, F, G, H, I, J and K, so</p> <p>15 11.</p> <p>16 Q. Were they divided up by sections or how</p> <p>17 was it organized?</p> <p>18 A. By sections, yes.</p> <p>19 Q. What were the sections?</p> <p>20 A. A, B and C were cells. There were seven</p> <p>21 on top, seven on bottom. D block was 48 inmates.</p> <p>22 E block was 50. F block was 60. F block was</p> <p>23 divided into two tiers, top and bottom, 30 on each.</p> <p>24 F block was intake and at that time that was the max</p> <p>25 control side. Now they're called east and west and</p>

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<p style="text-align: right;">26</p> <p>1 I couldn't tell you what's what. They did that 2 after I left.</p> <p>3 Q. And I really just want to know what it 4 was at the time you were there.</p> <p>5 A. G and H were female sections and I, J 6 and K were dormitory -- and D, E and F were 7 dormitory.</p> <p>8 Q. And by dormitory you mean --</p> <p>9 A. Bunks, two-man bunks and it was all out 10 in the open.</p> <p>11 Q. And F was maximum security?</p> <p>12 A. Yes. It was the intake. So that was 13 the first place that people would come was in there 14 and they would wait for a bed in general population.</p> <p>15 Q. Okay. Depending on where they needed to 16 be in general population.</p> <p>17 A. Right.</p> <p>18 Q. So F block was that single bunk cell?</p> <p>19 A. No, it was not a cell. It was 20 dormitory. It was divided 30 on the bottom and 30 21 on the top and they were behind glass and closed 22 doors, locked doors, so every four hours that would 23 switch. The top guys would come out and have access 24 to the day room and the TV and the TellMates and go 25 outside to the rec yard and then after their four</p>	<p style="text-align: right;">27</p> <p>1 hours was done they would go back in and the other 2 tier would come out. So they would have a total of 3 eight hours out a day.</p> <p>4 Q. So the top part had glass doors that 5 would be sealed inside of the dormitory?</p> <p>6 A. Yes.</p> <p>7 Q. Could they still wander around inside of 8 that area?</p> <p>9 A. Yes.</p> <p>10 Q. Were they assigned a specific bunk?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. And there were speaker boxes inside so 14 they could press a button and talk to officers in 15 the control room.</p> <p>16 Q. All right. And that's 30 inmates on 17 each level.</p> <p>18 A. Thirty beds on each level, yes.</p> <p>19 Q. So if it was full, it was 30. If it was 20 less than that, it was less than that.</p> <p>21 A. Right.</p> <p>22 Q. And then that was F block. The other 23 one that I was interested in is the A, B --</p> <p>24 A. And C were cells.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">28</p> <p>1 A. There were seven two-man cells on top 2 and seven on the bottom.</p> <p>3 Q. Okay. What was their schedule?</p> <p>4 A. It depended on A block, usually they 5 were out an hour a day for each cell and in B block 6 they were on the same rotation as F block where the 7 top and the bottom would rotate every four hours. 8 And then C block was medical and mental health and 9 depending on the inmates that were in that section 10 at the time it would either be split up into fourths 11 and every four hours they would rotate or it would 12 be split top and bottom.</p> <p>13 Q. Okay. Why was C block medical?</p> <p>14 A. Just it used to be B block and C block 15 was switched and then they switched them and why I 16 don't know. It was for people that had crutches and 17 walkers because they didn't want those going into 18 general population because there's a lot more chance 19 of one of those -- an implement like that being used 20 to hurt somebody. And so if you had somebody that 21 was in a wheelchair or had to have a walker or 22 crutches or somebody that had a cast on their arm 23 seemed to be put there.</p> <p>24 Q. Okay. What about people with mental 25 disorders and psychiatric issues?</p>	<p style="text-align: right;">29</p> <p>1 A. From what I experienced it depended on 2 the person and I'm not a mental health expert. I 3 did a lot of communicating with mental health 4 inmates. I don't know why I could get through to 5 them but I somehow did. They either seemed to be 6 kept in booking or in C block, depending on the 7 level of whatever, I don't know. I don't know the 8 specific answer for that.</p> <p>9 Q. Who made the assignments into the 10 blocks?</p> <p>11 A. I want to say the supervisor in booking 12 if there were no medical or mental health issues.</p> <p>13 MR. MYLAR: I'm going to object again. 14 Lack of foundation.</p> <p>15 Q. Let's say you observed an inmate who was 16 struggling in a certain block. Was there a process 17 or a procedure for you to recommend that they be 18 transferred to a different location?</p> <p>19 A. It depended on the situation.</p> <p>20 MR. MYLAR: Objection. Lack of 21 foundation again. Go ahead.</p> <p>22 A. A lot of times inmates weren't open to 23 us and telling us what their problems were. If it 24 was something that we saw or if we were familiar 25 with that inmate, we could look into it and we could</p>

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<p style="text-align: right;">30</p> <p>1 go to our supervisor, explain what we saw. If we 2 had an idea of where to move them, we could suggest 3 that. 4 There were times when if you had inmates 5 that got in a fight, well of course they had to be 6 moved. If there was a medical emergency -- well, we 7 wouldn't have anything to do with moving somebody 8 like that. That would be the medical department. 9 Q. Let me ask you a couple of followups 10 then. So let's just use the example of inmates who 11 got into a fight. 12 A. Uh-huh. 13 Q. What's the process then to have them 14 moved or separated? What do you have to do? 15 A. Depending on the extent of the injuries, 16 but you would always have them checked out by 17 medical. Usually if there were two combatants you 18 would have them checked out by medical and they 19 would both go to A block for lockdown, pending a 20 hearing. 21 Q. Okay. So A block was lockdown? 22 A. Yes. 23 Q. And did I misunderstand you earlier to 24 say F block was maximum security? 25 A. Yes. That was what they called that end</p>	<p style="text-align: right;">31</p> <p>1 of the jail because it was lockdown. It wasn't -- I 2 don't know -- anyway. 3 Q. So let me try to get to what I 4 understand the difference between maximum security 5 as used to describe F block and lockdown as used to 6 describe A block. 7 A. Right. 8 Q. What's the difference? 9 MR. MYLAR: And again objection. Lack 10 of foundation. Go ahead. 11 A. F block was intake. The inmates that 12 were able to go to general population but usually 13 there was no room to put them right into general 14 population, they waited in F block. A block, which 15 is lockdown, was punitive or they were waiting to 16 have a hearing pending -- they were there pending a 17 hearing. 18 Q. All right. So using my knowledge of old 19 movies, there's a term called solitary confinement. 20 A. Yes. 21 Q. You can tour Alcatraz and see where the 22 Birdman lived. Was A block like that, like solitary 23 confinement? 24 MR. MYLAR: Objection. Lack of 25 foundation.</p>
<p style="text-align: right;">32</p> <p>1 A. Impressions today, at least in our 2 facility, there was no such thing as solitary 3 confinement as a specific term. There were inmates 4 that refused to get along with other inmates and you 5 could call that solitary confinement but it was not 6 something that was used as a specific term. 7 Q. The term wasn't used. 8 A. No. 9 Q. Did A block have -- was it open between 10 the cells? Was there bars between the cells like 11 you see in the old western movies? 12 A. No, no bars. There were doors. Each 13 door had a window in it. 14 Q. How big was the window? 15 MR. MYLAR: Objection. Lack of 16 foundation. 17 Q. Well, if you know. 18 A. I want to say maybe 5 inches by 16 19 inches. 20 Q. And they would be in that room by 21 themselves. 22 A. Yes. Well, not specifically. They were 23 two-man cells, so there was two bunks in there. 24 Q. So just depending on how many inmates 25 were in that particular block then.</p>	<p style="text-align: right;">33</p> <p>1 A. Yes. 2 Q. They might be alone at times. They 3 might have a bunkmate at other times. 4 A. Right. 5 Q. Well, actually before we leave A, you 6 told us what the schedule was but I want to make 7 sure I'm clear. Were they allowed out of their 8 lockdown cells? 9 A. Yes. 10 Q. How often? 11 A. Well, you had different levels. There 12 was a level system for the inmates. In A block you 13 have level 1A, which is, I guess for lack of better 14 term, worst of the worst, depending on the charges 15 he was arrested on, behavior while he was in there, 16 and he did not -- those did not come out of their 17 cell without restraints on. 18 And then there was a level 1 and then 19 there were lockdown. Level 1s could come out seems 20 to me more than an hour a day if there was time but 21 the lockdowns came out I think an hour every day -- 22 every other day. 23 Q. Okay. At least every other day? 24 A. Yeah. 25 Q. And I'll ask you some specific questions</p>

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<p style="text-align: right;">34</p> <p>1 about Mr. Crowson here in a minute.</p> <p>2 A. Okay.</p> <p>3 Q. How often were the people in A block</p> <p>4 observed by a correctional officer?</p> <p>5 A. Well, we were required to walk through</p> <p>6 the sections at least once every hour and then if we</p> <p>7 had to go in there to conduct business, more than</p> <p>8 once an hour. They are constantly being watched</p> <p>9 from the control room. A block especially a lot of</p> <p>10 times would be listened to because they're yelling,</p> <p>11 communicating to each other.</p> <p>12 Q. Okay. Did they go out for meals or were</p> <p>13 meals brought to them?</p> <p>14 A. Meals were brought to them in their</p> <p>15 cells.</p> <p>16 Q. Was that done by correctional officers</p> <p>17 or was there separate staff that did that?</p> <p>18 A. No. Correctional officers would take</p> <p>19 them in.</p> <p>20 Q. Was it the type of situation where it</p> <p>21 was slid through the windows?</p> <p>22 A. There is a cuff port on the doors that</p> <p>23 is probably 4 inches by maybe 12 inches. There's a</p> <p>24 lock on it. You open that up and you slide the</p> <p>25 trays through that.</p>	<p style="text-align: right;">35</p> <p>1 Q. And then you receive the trays back the</p> <p>2 same way?</p> <p>3 A. In A block they had Styrofoam trays and</p> <p>4 so when they came out they were required to clean</p> <p>5 their cells. Sometime before the end of the day</p> <p>6 corrections staff would go in and collect all their</p> <p>7 garbage through their cuff port. We have a big</p> <p>8 garbage bag and they'd throw their garbage out.</p> <p>9 Q. They were Styrofoam trays?</p> <p>10 A. Yeah. The white Styrofoam trays that</p> <p>11 had a lid that folded over.</p> <p>12 Q. Okay. So everything was disposable?</p> <p>13 A. Yeah.</p> <p>14 Q. Was that to avoid having a situation</p> <p>15 where they would have something they could use to</p> <p>16 create a weapon?</p> <p>17 A. Yes.</p> <p>18 Q. Were they fed different food than the</p> <p>19 general population?</p> <p>20 A. No. Same food.</p> <p>21 Q. What was a typical menu?</p> <p>22 A. Depends on the supervisor of the</p> <p>23 kitchen. We had one guy out there that was buying a</p> <p>24 lot of pre-prepared food. They had another guy that</p> <p>25 they would cook everything. There was a lot of</p>
<p style="text-align: right;">36</p> <p>1 variety. I know at times there was probably a set</p> <p>2 menu.</p> <p>3 Q. Were they given fruit?</p> <p>4 A. Yes.</p> <p>5 Q. How often?</p> <p>6 A. At least once a day with breakfast,</p> <p>7 lunch or dinner. There was always fruit on one of</p> <p>8 the trays.</p> <p>9 Q. How were medications administered in A</p> <p>10 block?</p> <p>11 A. The nurses would come down and they</p> <p>12 would be escorted in by an officer and then they</p> <p>13 would go -- depending which inmates had medications</p> <p>14 we would go from door to door to door and they would</p> <p>15 be given their medications through the cuff door.</p> <p>16 Q. Okay. If an inmate was in A block,</p> <p>17 would they have access to anyone other than a</p> <p>18 correctional officer or a nurse?</p> <p>19 A. What do you mean access?</p> <p>20 Q. Was there any possibility for a person</p> <p>21 who is either not a nurse or correctional officer to</p> <p>22 come in contact with them?</p> <p>23 A. No.</p> <p>24 Q. Did the cells in A block have a toilet</p> <p>25 with running water?</p>	<p style="text-align: right;">37</p> <p>1 A. Yes.</p> <p>2 Q. Sink with running water?</p> <p>3 A. Yeah. It's all one unit.</p> <p>4 Q. Anything else in there besides a bunk,</p> <p>5 toilet and sink?</p> <p>6 A. There is a metal desktop that's embedded</p> <p>7 in the block wall and then there's a metal stool</p> <p>8 that's into the concrete floor. There's two of</p> <p>9 those.</p> <p>10 Q. Any drawers?</p> <p>11 A. No.</p> <p>12 Q. Closets?</p> <p>13 A. No.</p> <p>14 Q. Were they allowed to take any personal</p> <p>15 belongs into A block?</p> <p>16 A. At first, no, when they're locked down.</p> <p>17 But after they were -- well, I don't recall what the</p> <p>18 matrix was. I know that as a level 1, when you're</p> <p>19 not on lockdown status you're allowed minimal</p> <p>20 personal items, letters, pictures, not very much.</p> <p>21 But I don't recall the exact matrix for that.</p> <p>22 Q. And if you're on lockdown status, you're</p> <p>23 not allowed any personal items at all then.</p> <p>24 A. I don't believe so.</p> <p>25 Q. Let's move back to F block for a minute.</p>

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<p style="text-align: right;">38</p> <p>1 A. Okay.</p> <p>2 Q. This is where people who came in for</p> <p>3 intake, so the first place they were sent?</p> <p>4 A. Yes.</p> <p>5 Q. Did you mention there were detox cells</p> <p>6 in F block as well?</p> <p>7 A. No.</p> <p>8 Q. Where were detox cells?</p> <p>9 A. In booking.</p> <p>10 Q. They were in booking.</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And I thought F block and booking</p> <p>13 were the same thing.</p> <p>14 A. No. F block -- in max control the</p> <p>15 sections were kind of pie-shaped with the control</p> <p>16 room in the center so that's A, B, C, D, E and F.</p> <p>17 Q. Okay. And then booking is separate from</p> <p>18 that.</p> <p>19 A. Yes.</p> <p>20 Q. Were there specific cells that were</p> <p>21 designated as detox cells?</p> <p>22 A. There was one that actually had that on</p> <p>23 it, yes, in booking.</p> <p>24 Q. And when did inmates go to the detox</p> <p>25 cell?</p>	<p style="text-align: right;">39</p> <p>1 A. Generally when they were intoxicated,</p> <p>2 under the influence of something.</p> <p>3 Q. Who would make the decision to put</p> <p>4 someone in detox?</p> <p>5 MR. MYLAR: Objection. Lack of</p> <p>6 foundation.</p> <p>7 A. Specifically I couldn't tell you.</p> <p>8 Q. Could it be anyone on the floor?</p> <p>9 A. When somebody is under the influence of</p> <p>10 something it would -- well, I could guess but I</p> <p>11 don't know if you want me to guess.</p> <p>12 Q. Well, I don't want you to guess.</p> <p>13 A. I worked out there long enough to know</p> <p>14 that medical would be involved.</p> <p>15 Q. Okay.</p> <p>16 A. Somehow, some way, as well as whoever is</p> <p>17 supervising booking.</p> <p>18 Q. So as a correctional officer, if thought</p> <p>19 somebody was under the influence of something, would</p> <p>20 you report that to medical?</p> <p>21 A. Yes.</p> <p>22 Q. And then you would allow medical to take</p> <p>23 care of it or were there steps that you were also</p> <p>24 required to take as a correctional officer?</p> <p>25 A. It depended on the day. Sometimes the</p>
<p style="text-align: right;">40</p> <p>1 nurses would come down to us and sometimes they</p> <p>2 would have us bring the inmate to them.</p> <p>3 Q. How many correctional officers were on</p> <p>4 duty at any given time?</p> <p>5 A. Eight, nine, ten, 13, 14, 15, 16, 17 --</p> <p>6 I'm going to say somewhere between 15 and 19.</p> <p>7 Q. Do you know how many nurses were on duty</p> <p>8 at any given time?</p> <p>9 A. No. One, as far as I know. I know that</p> <p>10 during the day there were more. I have no knowledge</p> <p>11 of their schedule or access to it or anything.</p> <p>12 Q. Okay. For inmates who were in detox,</p> <p>13 were they still under the observation of the</p> <p>14 correctional officers?</p> <p>15 A. I believe so. They were not put in a</p> <p>16 medical cell so, yes, I believe they were under the</p> <p>17 observation of a correctional officer.</p> <p>18 Q. Did you receive any training on how to</p> <p>19 recognize whether someone was under the influence of</p> <p>20 alcohol?</p> <p>21 A. No.</p> <p>22 Q. Did you receive any training as to how</p> <p>23 to recognize whether someone was under the influence</p> <p>24 of medications or drugs?</p> <p>25 A. I don't believe so.</p>	<p style="text-align: right;">41</p> <p>1 Q. Did you receive any training on how to</p> <p>2 recognize symptoms of alcohol withdrawal?</p> <p>3 A. I don't recall that.</p> <p>4 Q. Do you know what the symptoms of alcohol</p> <p>5 withdrawal are?</p> <p>6 MR. MYLAR: Objection. Lacks</p> <p>7 foundation. Go ahead.</p> <p>8 Q. This is a foundational question. You</p> <p>9 can answer yes or no as to whether you know.</p> <p>10 A. No, not specifically.</p> <p>11 Q. Do you know what the symptoms of drug</p> <p>12 withdrawals are?</p> <p>13 A. Not specifically, no.</p> <p>14 Q. And setting aside -- I'm not claiming</p> <p>15 you're an expert in these things but do you</p> <p>16 generally have an idea what they are?</p> <p>17 A. No. Not -- a least for me, not</p> <p>18 specifically.</p> <p>19 Q. In your time at the prison, at the jail,</p> <p>20 I guess -- do you call it a jail or prison?</p> <p>21 A. Jail.</p> <p>22 Q. Jail?</p> <p>23 A. Yeah.</p> <p>24 Q. During your time at the jail did you</p> <p>25 ever recommend that an inmate be placed into the</p>

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<p style="text-align: right;">42</p> <p>1 detox cell?</p> <p>2 A. I don't recall whether I have or</p> <p>3 haven't. Right off the top of my mind it's not</p> <p>4 something I would recommend because it's not my area</p> <p>5 to work so I would have -- I wouldn't have anything</p> <p>6 to do with where somebody went up in booking or why.</p> <p>7 Usually that would be the booking staff, supervisor</p> <p>8 or medical.</p> <p>9 Q. As far as inmate discipline goes, if you</p> <p>10 observed something that you felt warranted</p> <p>11 discipline, is there a process that you would</p> <p>12 initiate to have that done?</p> <p>13 A. Yeah. We would write a report and we</p> <p>14 would do an inmate write-up.</p> <p>15 Q. Where was that entered?</p> <p>16 A. In the computer.</p> <p>17 Q. In Spillman?</p> <p>18 A. In Spillman.</p> <p>19 Q. And then what was the disciplinary</p> <p>20 process?</p> <p>21 A. You would do the write-up and you could</p> <p>22 either -- depending on the circumstances, you could</p> <p>23 either leave them where they were and do the</p> <p>24 write-up and they would have a hearing with the</p> <p>25 inmate disciplinary officer and then they would mete</p>	<p style="text-align: right;">43</p> <p>1 out the sanctions. Or, depending if one or more</p> <p>2 inmates had to be removed from that environment, you</p> <p>3 could put them into lockdown pending the hearing and</p> <p>4 then the hearing officer could have the hearing to</p> <p>5 recommend longer lockdown time, give them credit for</p> <p>6 the time they were placed in that cell or give them</p> <p>7 time served and put them back somewhere in general</p> <p>8 population. There were several different outcomes</p> <p>9 that could happen.</p> <p>10 Q. So the correctional officer, if they</p> <p>11 feel like there's immediate -- let me back up. I</p> <p>12 want to ask the question a little bit differently.</p> <p>13 Under certain situations the correctional officer</p> <p>14 can put them into lockdown pending the disciplinary</p> <p>15 hearing.</p> <p>16 A. Right.</p> <p>17 Q. What are the criteria for determining</p> <p>18 when the correctional officer had the discretion to</p> <p>19 make that decision?</p> <p>20 A. Safety. Usually it's not -- initially</p> <p>21 when we do that it's not punishment, it's</p> <p>22 management. Because so many times people refuse to</p> <p>23 manage themselves as far as following the rules,</p> <p>24 getting along with others, we have to step in and</p> <p>25 make some changes.</p>
<p style="text-align: right;">44</p> <p>1 Q. Did you have access to the nurses who</p> <p>2 worked there at the jail?</p> <p>3 A. Yes.</p> <p>4 Q. Did you have the ability to alert them</p> <p>5 to any situations that you thought required medical</p> <p>6 attention?</p> <p>7 A. Yes.</p> <p>8 Q. Did you have any issues with inmates</p> <p>9 getting access to alcohol while they were</p> <p>10 incarcerated?</p> <p>11 A. Homemade alcohol, yes. Outside alcohol,</p> <p>12 no.</p> <p>13 Q. Tell me about the homemade alcohol.</p> <p>14 A. Fruit, sugar, bread, sometimes rice.</p> <p>15 They would just -- to me it was just an abomination.</p> <p>16 It was horrible. More times than not the inmates</p> <p>17 appeared to be sick, start vomiting and -- I don't</p> <p>18 know exactly how it was made other than just -- I</p> <p>19 don't know how to explain it.</p> <p>20 Q. Well, let's start with you identified</p> <p>21 some of the ingredients.</p> <p>22 A. Right.</p> <p>23 Q. Where would they put it for it to</p> <p>24 ferment?</p> <p>25 A. Well, years ago we had a group of</p>	<p style="text-align: right;">45</p> <p>1 guys -- they have these game tables in the dormitory</p> <p>2 sections. They're round and they have a base</p> <p>3 that's, I don't know, it looks like -- you have a</p> <p>4 five-gallon bucket but this looks like it's about an</p> <p>5 eight-gallon bucket screwed to the bottom of the</p> <p>6 table. Somehow they emptied all the sand and stuff</p> <p>7 out of that base and put a garbage bag in there and</p> <p>8 made some of it. From what I remember, it was</p> <p>9 pretty potent stuff.</p> <p>10 A lot of times the guys in the cells</p> <p>11 will put them in their shampoo or lotion bottles and</p> <p>12 will leave them in the window to try to warm up to</p> <p>13 try to start cooking it. I've seen them -- they</p> <p>14 have peanut butter jars. They'll just leave them in</p> <p>15 their drawers or leave them laying around somewhere</p> <p>16 and just let them ferment.</p> <p>17 One guy wrapped his up in plastic bags</p> <p>18 and made this tube come off for it to vent off.</p> <p>19 Q. He was a real moonshiner then. He</p> <p>20 actually knew what he was doing.</p> <p>21 A. Well, it was pretty evident when you</p> <p>22 walked by his area of the bunk, the smell we were</p> <p>23 smelling.</p> <p>24 Q. Yeah.</p> <p>25 A. But I've seen that stuff where the</p>

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<p style="text-align: right;">46</p> <p>1 peanut butter jar lid was cracked open and it starts 2 pushing up out through the top of the jar. It's 3 fermenting. And that's been my experience with it. 4 Q. Okay. How often would you guys discover 5 something like that? 6 A. From what I saw or knew about, which I'm 7 not there all the time, maybe two or three times a 8 month. 9 Q. Okay. How about illegal drugs in the 10 jail, is that something you guys found? 11 A. Yes. Illegal drugs were found in the 12 jail probably weekly. 13 Q. How did they get into the jail, do you 14 know? 15 A. Specifically, no. I can speculate but I 16 don't know if that's what you want. 17 Q. I don't. 18 A. Okay. 19 Q. I mean there's part of me that does, 20 I'll be honest. The illegal drugs, you say weekly. 21 What types of drugs would you guys discover in the 22 prison? 23 A. The last few years I was there a lot of 24 heroin, I guess what they call black tar heroin. 25 Just maybe four or five times the size of a wooden</p>	<p style="text-align: right;">47</p> <p>1 match head. It would be black and be wrapped up in 2 tinfoil or paper or something. 3 MR. MYLAR: Could we take a break? 4 MR. SCHRIEVER: Sure. Yeah, we can take 5 a five- or ten-minute break. 6 (Recess.) 7 Q. Mr. Lyman, I want to ask you, do you 8 remember Martin Crowson? 9 A. Yes. 10 Q. Why is it that you remember Martin? 11 A. I had a lot of interaction with him over 12 the years. 13 Q. When you say interaction, what do you 14 mean? 15 A. Just dealing with him. He seemed to 16 always bring a lot of attention on himself, talking, 17 being boisterous. 18 Q. Do you know what he looks like? 19 A. Yeah. 20 Q. How would you describe him? 21 A. Like height, weight? Medium build, 22 sometimes he could be a little husky, short hair, 23 usually had some facial hair. 24 Q. Tattoos? 25 A. Yeah.</p>
<p style="text-align: right;">48</p> <p>1 Q. Do you remember anything specific about 2 tattoos? 3 A. No. 4 Q. Did he have any nicknames or anything 5 like that? 6 A. Not that I was aware of. 7 Q. How would you refer to him? 8 A. By Crowson, last name. 9 Q. So last name? 10 A. Yes. 11 Q. So if we call him Crowson then you know 12 who he is? 13 A. Yeah. 14 Q. Did he have a brother that had been 15 incarcerated as well? Did you know his brother? 16 A. Jerry Crowson? 17 Q. Is that his name? 18 A. Yeah. 19 Q. Why did you know him? 20 A. I had a lot of experience with him, too. 21 Q. Okay. Had you ever initiated 22 disciplinary proceedings against Crowson? 23 A. No. 24 Q. Has he ever filed grievances against 25 you?</p>	<p style="text-align: right;">49</p> <p>1 A. Maybe. I don't recall. 2 Q. You mentioned earlier that there were 3 times when you were aware of inmates, maybe just 4 because they've been there a lot. 5 A. Uh-huh. 6 Q. Were you aware of any medical conditions 7 that Crowson had? 8 A. No. 9 Q. Are you aware whether he had diabetes? 10 A. I don't believe so. Not at the time I 11 was there. 12 Q. Are you aware whether he had 13 Hepatitis C? 14 A. I was not aware. 15 Q. Is that something that correctional 16 officers would be interested in knowing? 17 A. Some probably, yeah. 18 Q. Would it change anything with the way 19 you dealt with inmates in any type situations if 20 they had Hepatitis C? 21 A. It wouldn't change the way I dealt with 22 inmates, no. 23 Q. How did you deal with inmates? 24 A. Fair, respectful, best I could. We used 25 a lot of humor, talked a lot. Inmates knew that so</p>

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<p style="text-align: right;">50</p> <p>1 long as they talked -- they could come to me with 2 anything that they wanted to say so long as they 3 talked and were respectful and did it in a proper 4 manner? 5 Q. Okay. 6 A. Even if they wanted to call me a dirty 7 rotten SOB, so long as they did it the right way. 8 Q. Would it surprise you to learn that 9 Crowson didn't feel like you were respectful to him? 10 A. No, that would not be surprising to me. 11 Q. Why is that? 12 A. Because I didn't give him what he seemed 13 to expect from everybody. 14 Q. What's that? 15 A. He wanted everybody to respect him. 16 From my experience dealing with people in the jail, 17 when they talk respect they mean fear a lot of the 18 times. I had no reason to fear him. I wasn't going 19 to back down and whenever I was dealing with him he 20 always seemed to think that he was pretty important. 21 He was no more important than anybody else but at 22 times he thought he was. 23 Q. How did you deal with that when he felt 24 like he was more important? 25 A. Depending on the situation.</p>	<p style="text-align: right;">51</p> <p>1 Q. Do you want to give me examples? 2 A. Yeah. 3 Q. What are those? 4 A. He was going to try to feed lunch -- he 5 was in E block at the time and before lunch we do a 6 head count, which is a numbers count. At the time 7 the meals are served inmates come to the door to get 8 their tray with their ID card. We check their name 9 off the roster. We do a face count. So this one 10 particular day you kind of wait for the inmates to 11 line up at the door and Mr. Crowson was on the phone 12 so I stepped inside the section and kind of waiting 13 for him. I know that I said something, I don't 14 specifically recall, but he put his finger up -- he 15 was talking on the phone and he was like -- 16 Q. You were giving him the sign. I want to 17 get it described for the record. 18 A. Holding up his finger like wait a 19 minute. 20 Q. He was holding up his finger like wait a 21 minute? 22 A. He wants me and the other 40 something 23 inmates to wait for him to get done with his phone 24 call before we get to the meal, and in a 25 correctional setting you don't do that. You don't</p>
<p style="text-align: right;">52</p> <p>1 make other inmates wait for their food. 2 And in that particular instance I turned 3 the phone call off -- I had the phones turned off -- 4 they should have been turned off before. And he 5 started making loud complaints about cutting his 6 phone call off. And I said, "We're waiting for you 7 to get in line for meals." 8 And he went back to his bunk and 9 started, I don't remember -- doing nothing but 10 wasn't going to get in line. He was still making 11 everybody wait to get lunch served and he was making 12 a loud production of it. 13 And so I had him turn around and put 14 handcuffs on him and escorted him out of the section 15 because it was -- at least for me, inmates weren't 16 allowed to make a big production in front of 17 everybody and not have something happen. More times 18 than not I will cuff them up, take them out and talk 19 to them and try to make some sense of the situation 20 to them and give them the opportunity to kind of 21 step back and realize what they were doing didn't 22 coincide with the environment. 23 But Mr. Crowson, everything was about 24 him and so he was -- I don't know if I put him in 25 lockdown or if I put him in B block, in level 2</p>	<p style="text-align: right;">53</p> <p>1 section. I know that he complained that I was 2 punishing him. I said, "I'm not punishing you. I'm 3 managing you because you can't manage yourself or 4 you don't manage yourself." 5 Q. As to this situation, how do you view 6 the difference between punishment and management? 7 A. Well, the management part was because he 8 actually put himself in harm's way by making the 9 other 40 some odd inmates wait on him. And in worst 10 places, correctional settings, you get seriously 11 hurt over that. And it's kind of an unwritten rule 12 in corrections that you don't come between an inmate 13 and his food. 14 Q. Are you aware in that particular 15 situation of any direct threat of harm to 16 Mr. Crowson? 17 A. No. If there was, he didn't act like 18 it. But at the same time, when an inmate does that 19 I'm not going to wait around to find out either. 20 That was a situation where I felt that he needed to 21 be removed from that environment. 22 Q. Do you remember the approximate dates 23 that occurred? 24 A. No. 25 Q. What are some other things you remember</p>

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<p style="text-align: right;">54</p> <p>1 about Mr. Crowson?</p> <p>2 A. I remember when he was in B block he was</p> <p>3 constantly complaining that I was after him, that I</p> <p>4 didn't like him, which was true, I didn't like him.</p> <p>5 He just refused to do his own time, wanted to always</p> <p>6 make things a big production, especially what he</p> <p>7 thought was going on between he and I.</p> <p>8 Q. What do you mean by that?</p> <p>9 A. Just that there was no love lost there</p> <p>10 which for me it was neither here nor there. It was</p> <p>11 my job. I wasn't there to be a miserable person.</p> <p>12 It was a miserable environment to begin with. And</p> <p>13 my first priority every day was not to be a</p> <p>14 miserable person and not to make people's lives more</p> <p>15 miserable than they already are. The corrections</p> <p>16 staff is not part of the punishment equation. We're</p> <p>17 there to make sure the inmates are healthy and are</p> <p>18 cared for.</p> <p>19 Q. Okay. The part about being cared for,</p> <p>20 is that part of a mission statement or policy that's</p> <p>21 written down?</p> <p>22 A. No. That's how I saw it.</p> <p>23 Q. Were there other correctional officers</p> <p>24 who dealt with Mr. Crowson differently?</p> <p>25 MR. MYLAR: Objection. Lack of</p>	<p style="text-align: right;">55</p> <p>1 foundation. Calls for speculation.</p> <p>2 Q. Let me ask that question again and we</p> <p>3 can get the objection as well. Are you aware of</p> <p>4 other correctional officers who handled Mr. Crowson</p> <p>5 in any different manner?</p> <p>6 A. No.</p> <p>7 Q. You're not aware of any others?</p> <p>8 A. No. I don't recall. I'm not there</p> <p>9 24/7.</p> <p>10 Q. Did you ever observe any other</p> <p>11 correctional officers handcuff Mr. Crowson and take</p> <p>12 him to a different block?</p> <p>13 A. No.</p> <p>14 Q. Did you ever observe other correctional</p> <p>15 officers have interactions with Mr. Crowson?</p> <p>16 A. I'm sure that I did but I specifically</p> <p>17 don't recall.</p> <p>18 Q. Do you recall any other incidences of an</p> <p>19 adverse interaction with Mr. Crowson between you and</p> <p>20 Mr. Crowson?</p> <p>21 A. Not off the top of my head, no.</p> <p>22 Q. Do you remember an incident where there</p> <p>23 was an inmate who ejaculated into peanut butter and</p> <p>24 had another inmate eat it?</p> <p>25 A. No, I do not recall that at all.</p>
<p style="text-align: right;">56</p> <p>1 Q. You don't recall that at all.</p> <p>2 A. No.</p> <p>3 Q. Do you feel like you knew Mr. Crowson</p> <p>4 well enough to tell if he was acting abnormally?</p> <p>5 A. Yeah.</p> <p>6 Q. Do you know how many times Mr. Crowson</p> <p>7 had been incarcerated in Purgatory?</p> <p>8 A. No.</p> <p>9 Q. This particular incident happened in</p> <p>10 June of 2014.</p> <p>11 A. Which one?</p> <p>12 Q. The one that this lawsuit is about.</p> <p>13 A. Oh, okay.</p> <p>14 Q. Just in general. I'm not talking about</p> <p>15 any specific things that happened with you that day.</p> <p>16 A. Okay.</p> <p>17 Q. In June 2014. The records indicate that</p> <p>18 Mr. Crowson came in on June 11, 2014. Do you know</p> <p>19 if that's accurate?</p> <p>20 A. I have no idea.</p> <p>21 Q. What records did you review to prepare</p> <p>22 for your deposition?</p> <p>23 A. Whatever came from his law firm.</p> <p>24 Q. Let me give you some instructions</p> <p>25 because I don't want you to say anything that would</p>	<p style="text-align: right;">57</p> <p>1 violate an attorney-client communication --</p> <p>2 A. Okay.</p> <p>3 Q. -- but if there were specific documents</p> <p>4 that you looked at, we can find out what you looked</p> <p>5 at.</p> <p>6 A. I don't know specifically what I was</p> <p>7 looking at.</p> <p>8 Q. Okay. Do you know if it was a printout</p> <p>9 of what was in Spillman?</p> <p>10 A. No.</p> <p>11 Q. Can you describe what the documents</p> <p>12 looked like?</p> <p>13 A. Like that right there.</p> <p>14 Q. I was going to get to these.</p> <p>15 A. Okay.</p> <p>16 Q. So, for example, I'm just showing you</p> <p>17 what's been marked as Washington Crowson 050.</p> <p>18 A. No. That's a Spillman printout and I've</p> <p>19 not reviewed any of those.</p> <p>20 Q. You haven't looked at that?</p> <p>21 A. No.</p> <p>22 Q. How about this?</p> <p>23 A. That format looks familiar.</p> <p>24 Q. 0483, this format looks familiar to you?</p> <p>25 A. Yeah.</p>

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<p style="text-align: right;">58</p> <p>1 Q. You did not look at any Spillman 2 printouts then? 3 A. No. 4 Q. What kind of information was in the 5 records that you looked at? 6 A. I believe it was a timeline, some kind 7 of timeline for -- 8 MR. MYLAR: Just for the record, that 9 would have been attorney work product if he looked 10 at a timeline. 11 A. Okay. 12 Q. So a timeline. Anything else? 13 A. No. Just the legal filings. 14 Q. Okay. Are you aware of any document or 15 log that could be printed from the prison system 16 other than in Spillman? 17 A. I'm not aware, no. 18 Q. Did the document that you looked at have 19 dates and times on it? 20 A. I believe it had dates. I don't believe 21 it had times on it. 22 Q. Do you know who Ryan Borrowman is? 23 A. Yes. 24 Q. Who is Ryan? 25 A. He is a nurse, or when I was still</p>	<p style="text-align: right;">59</p> <p>1 employed with the county he was a nurse at the jail. 2 Q. Do you know who Alan Dressler is? 3 A. Yes. 4 Q. Who is Alan Dressler? 5 A. He is or was a reserve officer with the 6 county. 7 Q. Did he work in the jail? 8 A. Not that I ever saw. I know I saw him 9 as a reserve on the patrol side. 10 Q. How about Paul Dolgnar? 11 A. He was a corrections officer in the 12 jail. 13 Q. Do you know if Mr. Dolgnar worked in 14 booking? 15 A. I don't know for sure. 16 Q. How about Jason Wittwer? 17 A. I don't know who that is. 18 Q. How about Pete Merrill? 19 A. Pete Merrill is -- was, is a corrections 20 officer. 21 Q. How about Brian Jensen? 22 A. Brian Jensen was a corrections officer 23 when I was there. 24 Q. Clint Allred? 25 A. He was a corrections officer while I was</p>
<p style="text-align: right;">60</p> <p>1 there. 2 Q. Robert Bates Brandt? 3 A. Robert Brandt was a corrections officer 4 and he I believe got his master's degree, some kind 5 of social worker/therapist. I don't know exactly 6 what. I just know he went back to college. 7 Q. Okay. How about Bill Crocker? 8 A. Bill was a corrections officer while I 9 was there. 10 Q. Jay Scouser? 11 A. He was a corrections officer at some 12 point while I was there. 13 Q. Do you know who the hearing officer 14 would have been for disciplinary proceedings at that 15 time? 16 A. No. 17 Q. That was somebody who was a corrections 18 officer? 19 A. Yes. 20 Q. Did it rotate through people or how was 21 it set up? 22 A. I don't know. They received special 23 training for it but I don't know who or what, when 24 or why. 25 Q. Let me put this in context of what the</p>	<p style="text-align: right;">61</p> <p>1 logs tell me, okay? 2 A. Uh-huh. 3 Q. This is just for the record. Washington 4 Crowson 0510 indicates that there was an inmate 5 disciplinary hearing on June 18, 2014. The officer 6 is listed as Robert Brandt. 7 A. Okay. 8 Q. Do you know if that means that he was 9 the hearing officer? 10 MR. MYLAR: Objection. Lack of 11 foundation. 12 Q. I can show you what I'm looking at. 13 A. To my understanding and what I remember, 14 that would have meant that he was the disciplinary 15 hearing officer. 16 Q. Okay. IDHO Brandt? 17 A. Correct. 18 Q. Do you know what IDHO stands for? 19 A. Inmate disciplinary hearing officer. 20 Q. What was the hierarchy of the 21 correctional officer structure -- sergeants, 22 lieutenants? 23 A. Sergeants and lieutenants and jail 24 commander. 25 Q. What position did you hold?</p>

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<p style="text-align: right;">62</p> <p>1 A. Line staff.</p> <p>2 Q. What's the difference between -- what's</p> <p>3 the ranking, hierarchy?</p> <p>4 A. What do you mean?</p> <p>5 Q. Who's in charge of who?</p> <p>6 A. I'm not --</p> <p>7 Q. What's the highest rank, sergeant or</p> <p>8 lieutenant?</p> <p>9 A. The jail commander.</p> <p>10 Q. Jail commander? And then under jail</p> <p>11 commander, who?</p> <p>12 A. Lieutenant, sergeant, then all of the</p> <p>13 line staff.</p> <p>14 Q. Okay. Were you ever considered or did</p> <p>15 you ever put in for promotion to sergeant or</p> <p>16 lieutenant?</p> <p>17 A. No.</p> <p>18 Q. I'm looking at, for the record,</p> <p>19 Washington Crowson 0524. This one says in that</p> <p>20 description, block A and then it has upper tier. It</p> <p>21 has an X after the upper tier.</p> <p>22 A. That means he was housed on the upper</p> <p>23 tier, whoever that is about.</p> <p>24 Q. And the date on this is July 20, 2014</p> <p>25 and it says type of event, TOC, time out of cell.</p>	<p style="text-align: right;">63</p> <p>1 A. Correct.</p> <p>2 Q. What would that mean?</p> <p>3 A. Well, for whatever inmate that is on, if</p> <p>4 it's on Mr. Crowson, that would indicate that he</p> <p>5 received one hour out of his cell.</p> <p>6 Q. Okay. And this was lockdown checked</p> <p>7 yes.</p> <p>8 A. Right.</p> <p>9 Q. He's in A block on lockdown.</p> <p>10 A. Correct.</p> <p>11 MR. MYLAR: What year is this?</p> <p>12 MR. SCHRIEVER: June 20, 2014.</p> <p>13 MR. MYLAR: Okay.</p> <p>14 Q. At 6:57:33. The officer was Brian</p> <p>15 Jensen. He was the correctional officer, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And then Washington Crowson 0525, this</p> <p>18 is 6:18:14. Same thing but Officer Bill Crocker.</p> <p>19 Time out of cell. Would there be a record kept for</p> <p>20 every time he was let out of his cell?</p> <p>21 A. There should have been.</p> <p>22 Q. So he was out for one hour every other</p> <p>23 day?</p> <p>24 A. Correct.</p> <p>25 Q. Is there enough information to know</p>
<p style="text-align: right;">64</p> <p>1 whether he would have been let out, restrained in</p> <p>2 handcuffs and shackles? If he was on lockdown would</p> <p>3 that be the policy or not?</p> <p>4 A. No, not necessarily, if he was a level</p> <p>5 1A. If he was just on lockdown then he would not be</p> <p>6 restrained when he came out of his cell.</p> <p>7 Q. Where would he be allowed to go?</p> <p>8 A. To the day room. He would have access</p> <p>9 to a phone to call an attorney, or the kiosk, the</p> <p>10 shower and I believe that would be it.</p> <p>11 Q. Would there be anybody else in the day</p> <p>12 room at that time?</p> <p>13 A. No.</p> <p>14 Q. He would have been in there by himself?</p> <p>15 A. Should have been, yes.</p> <p>16 Q. Okay. Just for the record, looking at</p> <p>17 Washington Crowson 0539, on this one it says the</p> <p>18 type of event is ICC, inmate cell change, the date</p> <p>19 6-25-14?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Do you know what that refers to?</p> <p>22 A. That would refer to him being reassigned</p> <p>23 another location from where he was.</p> <p>24 Q. Okay. And down here it says assigned</p> <p>25 from Purg max at block main 27 to Purg max at block</p>	<p style="text-align: right;">65</p> <p>1 main 12.</p> <p>2 A. Right. So 27 would be an upper bunk.</p> <p>3 All the odd numbers are upper bunks and all the even</p> <p>4 bunks are lower so he was given a lower bunk.</p> <p>5 Q. Okay.</p> <p>6 A. So this right here is automatically</p> <p>7 generated from the computer when you enter the ICC.</p> <p>8 So this is not entered by a staff. Does that make</p> <p>9 sense?</p> <p>10 Q. Yeah. Does staff select which bunk to</p> <p>11 put him in?</p> <p>12 A. Yes.</p> <p>13 Q. But the wording here is automatically</p> <p>14 generated by the computer?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. And the timestamp here of</p> <p>17 3:31:52, do you know if that would be a.m. or p.m.?</p> <p>18 A. Is it zero 3?</p> <p>19 Q. Yes.</p> <p>20 A. That would be a.m. I believe the time</p> <p>21 in Spillman is 24-hour time.</p> <p>22 Q. Okay. Does that mean that at 3:30 in</p> <p>23 the morning somebody physically went to F block main</p> <p>24 27 and transferred him to F block main 12?</p> <p>25 A. No, that's not what that means.</p>

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<p style="text-align: right;">66</p> <p>1 Q. What does that mean?</p> <p>2 A. That means that they changed it in the</p> <p>3 computer at that time. It doesn't mean that he was</p> <p>4 physically moved at that time.</p> <p>5 Q. Okay. Flipping back one page to 0538</p> <p>6 and this is one you're indicated on, Brett Lyman.</p> <p>7 A. Okay.</p> <p>8 Q. It's reassigned from -- a couple of</p> <p>9 reassignments. Is that a reference to court</p> <p>10 appearance or anything like that or what would that</p> <p>11 concern?</p> <p>12 A. Yes, that would have been -- I've never</p> <p>13 seen one like this before where it has all the</p> <p>14 different ones.</p> <p>15 Q. Let me ask you this. So you're listed</p> <p>16 here as the officer.</p> <p>17 A. Uh-huh.</p> <p>18 Q. Does that mean that you made these</p> <p>19 entries only or does it mean you actually moved him</p> <p>20 from these places?</p> <p>21 A. I don't know. Because, like I said,</p> <p>22 I've never seen this part before.</p> <p>23 MR. MYLAR: Just for the record, you're</p> <p>24 indicating the bottom of that wording there on page</p> <p>25 538.</p>	<p style="text-align: right;">67</p> <p>1 A. Because it has one, two, three different</p> <p>2 reassignments and I've never seen that before.</p> <p>3 Q. Okay. Let me ask you about each one of</p> <p>4 these separately.</p> <p>5 A. Okay. There is not a date associated</p> <p>6 with each time.</p> <p>7 Q. Right. There's just the one date, June</p> <p>8 25, 2014.</p> <p>9 A. Right.</p> <p>10 Q. And it's 16:10:25, so that would be 4:10</p> <p>11 in the afternoon?</p> <p>12 A. Correct.</p> <p>13 Q. That's when this was entered, not</p> <p>14 necessarily when these events occurred.</p> <p>15 A. Correct.</p> <p>16 Q. All right. So let me ask you this. The</p> <p>17 temporary location.</p> <p>18 A. From --</p> <p>19 Q. From the court.</p> <p>20 A. Right.</p> <p>21 Q. Is that referring to a holding cell at</p> <p>22 the court?</p> <p>23 A. All right. See, I never have been to</p> <p>24 the new courthouse where they actually have holding</p> <p>25 cells so I don't know what's there. We would always</p>
<p style="text-align: right;">68</p> <p>1 put inmates on a temporary out count when they went</p> <p>2 to court so that when we went through the sections</p> <p>3 to do our body count we would know where they were.</p> <p>4 They would leave the ID cards with us. So if that's</p> <p>5 referring to a cell number 16, then that's something</p> <p>6 that -- I don't know.</p> <p>7 Q. Okay.</p> <p>8 A. The temporary court and he was</p> <p>9 reassigned back to 12 when he came back from court.</p> <p>10 MR. MYLAR: For the record, a minute ago</p> <p>11 counsel said it was July 25th. It looks like the</p> <p>12 record says June 25, 2014.</p> <p>13 Q. Yes. I misspoke on that. June is what</p> <p>14 I meant. Does that make any sense to you?</p> <p>15 A. Yeah, it makes a little bit of sense.</p> <p>16 But, like I said, I've never seen it have more than</p> <p>17 one of the reassignments on there like that.</p> <p>18 Q. All right. And this reassignment from F</p> <p>19 block 12 to detox, do you know what went behind that</p> <p>20 decision?</p> <p>21 A. No.</p> <p>22 Q. Anything that you personally observed?</p> <p>23 A. Not that I recall.</p> <p>24 Q. Okay. And I'll just represent to you</p> <p>25 some of the records indicate that he was slow to</p>	<p style="text-align: right;">69</p> <p>1 respond verbally, wasn't giving coherent answers to</p> <p>2 questions, things like that. Did you observe</p> <p>3 anything like that?</p> <p>4 A. Not that I recall.</p> <p>5 Q. And then the very last one is reassigned</p> <p>6 from the detox, was back to the court. Do you know</p> <p>7 why that's in there?</p> <p>8 A. That would be that he was in the detox</p> <p>9 cell and went to court.</p> <p>10 Q. This record stops right here. It means</p> <p>11 he left court or is there another record that checks</p> <p>12 him back in?</p> <p>13 A. There should be another record that</p> <p>14 checks him back in.</p> <p>15 Q. Can anybody else go in and change this</p> <p>16 report or does it have to be you once you're listed</p> <p>17 as the officer that's making that report?</p> <p>18 MR. MYLAR: Objection. Lack of</p> <p>19 foundation.</p> <p>20 A. Don't recall.</p> <p>21 Q. Just so I'm clear, the fact that you</p> <p>22 entered this into the computer doesn't mean that you</p> <p>23 were the one that --</p> <p>24 A. That means that I did a move.</p> <p>25 Q. Okay.</p>

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<p style="text-align: right;">70</p> <p>1 A. Because nobody else can log in under my 2 name. 3 Q. Okay. So that means that you did put 4 him in detox? 5 A. No. From what I understand that means 6 that I put him to court because that's the one on 7 top. 8 Q. Okay. 9 A. Because, like I said, I've never seen 10 where it has more than one reassignment on there. 11 Q. Do you know if it was -- so you wouldn't 12 know the order then that these happened in. 13 A. No. There's no date assigned to them 14 other than the date that I made the log entry which, 15 when I was there, would have been that top 16 reassignment. 17 Q. Okay. But the fact that your name is on 18 this does mean that you were the one who did these 19 transfers. 20 A. No. 21 Q. No? 22 A. Like I said, to my recollection, it 23 means that I did the top one. 24 Q. Okay. Only the top one. 25 A. Yes. Because I have not seen --</p>	<p style="text-align: right;">71</p> <p>1 Spillman goes through updates and it changes from 2 time to time and I have never seen it like that 3 before. 4 Q. Okay. Is it possible somebody went in 5 after the fact and changed your entry? 6 A. I guess it could be. 7 Q. As line staff did you have access to 8 change entries made by other officers? 9 A. I don't really know. I know there was 10 some things that once they were done you couldn't go 11 back and change them. It would generate another 12 report because they would have a modify button or 13 something somewhere but I don't recall enough about 14 Spillman to remember what could or what couldn't. 15 Q. Okay. Did you have any conversations 16 with any of the other corrections officers about 17 particular inmates? 18 A. I don't recall specific conversations, 19 no. 20 Q. For example, did you ever have any 21 conversations with other correctional officers about 22 Martin Crowson? 23 A. I don't recall specifically. 24 Q. Okay. Let me ask you about the 25 difference here between 0531 and 0538. 0531 is out</p>
<p style="text-align: right;">72</p> <p>1 to court also entered by you on June 25, 2014 at 2 13:30. And then at 16:25 on June 25, 2014 that's 3 where we get the multiple entries on 0538. 4 A. So that one is from court to F12. And 5 what's this one? This one is reassigned 12. So he 6 would have gone to court. This one is when he left 7 to court and that other one is when he was coming 8 back. 9 Q. So 16:10, which is 4:10 p.m., he comes 10 back and then these entries get put in here? 11 A. Like I said, I don't recognize that 12 format. 13 Q. Okay. 14 A. Usually they look like the other two 15 where it just has the single thing. 16 Q. Okay. This wasn't you but it was Jason, 17 0540, again we're on June 25, 2004 at 2:32 which 18 is -- 19 A. A.m. 20 Q. -- a.m. and this one is assigned from 21 Purg max A block mezz 205B to Purg max F block main 22 27. 23 A. Right. So he would have been moved from 24 A block to F block. 25 Q. Sometime before 2:32 a.m. on June 25th.</p>	<p style="text-align: right;">73</p> <p>1 A. Yeah. 2 Q. At or before. 3 A. It could be after. They could have gone 4 in and moved him physically and then come back in 5 and then done the computer. But it would have been 6 close to that time that he physically moved, I 7 guess. 8 Q. Okay. So based on these records and the 9 way you understand that it worked, would he have 10 been in A block on lockdown from at least June 18th 11 to June 25th? 12 A. Sounds like it, yes. 13 Q. Okay. 14 A. How many days would that have been? 15 Seven days? 16 MR. MYLAR: Let me say that I object to 17 lack of foundation because he doesn't have personal 18 knowledge about what was happening on some of these. 19 MR. SCHRIEVER: Okay. 20 Q. Actually, let me go back here because on 21 05401 on 6-17-14 at 5:22 a.m. it's an ICC, inmate 22 cell change, Officer Glen Allred, F block, May 29 to 23 mezz 205B he got transferred to A block. 24 A. Yes. 25 Q. Okay. So 6:17, sometime on the 25th,</p>


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<p style="text-align: right;">74</p> <p>1 seven to eight days?</p> <p>2 A. Right.</p> <p>3 Q. And then every one of these says Purg</p> <p>4 max. Is that just referring to the jail in general?</p> <p>5 A. Yes. Max is the one end of the jail.</p> <p>6 The other end of the jail would have been central or</p> <p>7 listed like that would be CENT.</p> <p>8 Q. And which blocks were in Purg central?</p> <p>9 A. G, H, I, J, K.</p> <p>10 Q. And as you sit here today you have no</p> <p>11 memory of putting Crowson into the detox cell; is</p> <p>12 that right?</p> <p>13 A. No, I don't.</p> <p>14 Q. And looking at that document, does that</p> <p>15 refresh your recollection as to whether or not you</p> <p>16 did that?</p> <p>17 A. No.</p> <p>18 MR. WIGHT: What was the date of your</p> <p>19 last question?</p> <p>20 MR. SCHRIEVER: June 17th was the last</p> <p>21 one.</p> <p>22 Q. Do you have any memory of Mr. Crowson</p> <p>23 being transported to Dixie Regional Hospital on or</p> <p>24 about July 1, 2014?</p> <p>25 A. No.</p>	<p style="text-align: right;">75</p> <p>1 Q. If a decision was made to move an inmate</p> <p>2 to detox, were there forms to be filled out?</p> <p>3 A. I don't believe so.</p> <p>4 Q. Other than Spillman, any log kept of</p> <p>5 reasons for cell transfer other than that, anything</p> <p>6 like that?</p> <p>7 A. If it was medical, then it would be a</p> <p>8 medical thing. It seems like somebody should have</p> <p>9 kept one about why.</p> <p>10 Q. Okay. I want to show you what is</p> <p>11 Washington Crowson 0529. You're listed as the</p> <p>12 officer.</p> <p>13 A. Okay.</p> <p>14 Q. Would you read the description.</p> <p>15 A. Sure.</p> <p>16 Q. Can you read it out loud or read it to</p> <p>17 yourself, whatever you prefer.</p> <p>18 A. "Inmate Crowson did not show up to the</p> <p>19 line for breakfast this morning. I stepped into the</p> <p>20 section and called for him. When he did come out of</p> <p>21 the lower tier he appeared to me to be lethargic and</p> <p>22 slow. I asked him to get a food tray. He turned</p> <p>23 around, went back to the lower tier. Deputy Dolgnar</p> <p>24 came to F block and escorted him to booking.</p> <p>25 Medical checked Crowson and found nothing wrong with</p>
<p style="text-align: right;">76</p> <p>1 his vitals. He was later moved to the detox cell</p> <p>2 for observation."</p> <p>3 Q. Does that refresh your recollection as</p> <p>4 to anything that happened that day?</p> <p>5 A. Not specifically, no. The whole</p> <p>6 incident of him right here, I mean I kind of</p> <p>7 remember in general but I don't remember the</p> <p>8 specifics about it.</p> <p>9 Q. What do you generally remember about it?</p> <p>10 A. Just what happened, that something was</p> <p>11 wrong with him and he went to medical and medical</p> <p>12 saw him. That's about as specific as my memory is</p> <p>13 about it.</p> <p>14 Q. And then you don't have any other -- do</p> <p>15 you have any memories of him after that?</p> <p>16 A. No, I don't.</p> <p>17 Q. Any memory of him in Purgatory jail</p> <p>18 after that?</p> <p>19 A. No.</p> <p>20 Q. Okay. Just so that we're clear, the</p> <p>21 date on this one is also June 25, 2014; is that</p> <p>22 correct?</p> <p>23 A. You're asking me?</p> <p>24 Q. Yeah. Well, I'm just asking to confirm</p> <p>25 that's correct.</p>	<p style="text-align: right;">77</p> <p>1 MR. MYLAR: Are you asking if the</p> <p>2 document says that?</p> <p>3 MR. SCHRIEVER: Right.</p> <p>4 Q. And the timestamp is 17:48:10.</p> <p>5 A. Yes. That would have been 5:00 in the</p> <p>6 afternoon so that probably would have had to do</p> <p>7 with -- well, I entered that probably right before</p> <p>8 shift change.</p> <p>9 Q. Okay. And the other timestamp that had</p> <p>10 the multiple cell changes on it was roughly an hour</p> <p>11 before that. Why is that? Why would that be?</p> <p>12 A. Depends on --</p> <p>13 MR. MYLAR: I'm going to object. Lack</p> <p>14 of personal knowledge. Lack of foundation. And</p> <p>15 you're calling for speculation right now.</p> <p>16 A. If things got really busy and hectic,</p> <p>17 usually these things got left until the very end of</p> <p>18 the shift because inmates are coming back from</p> <p>19 court, if you had some kind of emergency, inmates</p> <p>20 had to be moved, there could have been several</p> <p>21 reasons why. Specifically, I couldn't tell you.</p> <p>22 Q. Did your shift end at 6:00?</p> <p>23 A. It did.</p> <p>24 Q. If Mr. Crowson were in the detox cell</p> <p>25 would you have still been in a position where you</p>

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<p style="text-align: right;">78</p> <p>1 would have been observing him in any capacity?</p> <p>2 A. Official capacity, no.</p> <p>3 Q. How about when he was in A block, would</p> <p>4 you have had any official reason to observe him</p> <p>5 while he was in A block?</p> <p>6 A. Yeah. If I had been going through my</p> <p>7 hourly cell check, if I happened to be by there</p> <p>8 while he was out of his cell, yeah, that would have</p> <p>9 been included in the work area.</p> <p>10 Q. Do you have any memories of him being in</p> <p>11 A block during that time period?</p> <p>12 A. No.</p> <p>13 Q. What is a visual body cavity search?</p> <p>14 A. I believe it is where you make an</p> <p>15 observation of each -- well, I don't want to say</p> <p>16 each orifice but I know it includes them naked and</p> <p>17 spreading their checks apart and making sure there's</p> <p>18 nothing visible in their anal cavity.</p> <p>19 Q. Does that include mouth as well?</p> <p>20 A. Yeah. Mouth, ears --</p> <p>21 Q. Nose?</p> <p>22 A. -- nose, toes, in between their toes,</p> <p>23 bottoms of their feet, under their armpits.</p> <p>24 Q. Is it typical to perform a visual body</p> <p>25 cavity search before an inmate went into lockdown?</p>	<p style="text-align: right;">79</p> <p>1 A. Yes, absolutely.</p> <p>2 Q. How about when they came out of</p> <p>3 lockdown?</p> <p>4 A. Probably not so much.</p> <p>5 Q. Are you aware of any correctional</p> <p>6 officers who were providing drinks or alcohol to</p> <p>7 inmates?</p> <p>8 A. Nope.</p> <p>9 MR. SCHRIEVER: All right. Mr. Lyman, I</p> <p>10 believe those are all the questions I have for you.</p> <p>11 EXAMINATION</p> <p>12 BY MR. WIGHT:</p> <p>13 Q. I just have a couple of brief questions.</p> <p>14 Are you familiar with Dr. Judd Larrowe?</p> <p>15 A. Yes.</p> <p>16 Q. Do you have any recollection of</p> <p>17 Dr. Larrowe treating Mr. Crowson?</p> <p>18 A. Not specifically, no.</p> <p>19 Q. Were you involved in any of that?</p> <p>20 A. In treating him?</p> <p>21 Q. No. Were you ever there to observe</p> <p>22 Dr. Larrowe treating Mr. Crowson that you can</p> <p>23 recall?</p> <p>24 A. It's commonplace for us to be around or</p> <p>25 for officers to be around when inmates are with the</p>
<p style="text-align: right;">80</p> <p>1 doctor. Specifically me and Crowson, I don't recall</p> <p>2 that.</p> <p>3 MR. WIGHT: All right. That's all the</p> <p>4 questions I have. Thank you.</p> <p>5 MR. MYLAR: I don't have any.</p> <p>6 FURTHER EXAMINATION</p> <p>7 BY MR. SCHRIEVER:</p> <p>8 Q. Let me follow up real quickly. In</p> <p>9 relation to Dr. Larrowe, do you know how often he</p> <p>10 came to prison or to the jail?</p> <p>11 A. It seemed like it was about once a week.</p> <p>12 Q. Do you know how long he stayed there?</p> <p>13 A. I guess it depended on how many inmates</p> <p>14 he was scheduled to see.</p> <p>15 Q. So you don't know if it was a set</p> <p>16 schedule or not?</p> <p>17 A. No, I don't.</p> <p>18 Q. Did he have an office there?</p> <p>19 A. No.</p> <p>20 Q. Did the nurses have an office there?</p> <p>21 A. I believe so. Wait. No, they did not</p> <p>22 have an office.</p> <p>23 Q. An exam room?</p> <p>24 A. They had an exam room.</p> <p>25 Q. Was it separate, away from the general</p>	<p style="text-align: right;">81</p> <p>1 population?</p> <p>2 A. Yes.</p> <p>3 Q. Was it secured as well?</p> <p>4 A. It could be, yes.</p> <p>5 Q. Were there generally correctional</p> <p>6 officers in the exam room at any time the inmate was</p> <p>7 in there?</p> <p>8 A. Not necessarily.</p> <p>9 Q. What would the circumstances be under</p> <p>10 which a correctional officer would be in there with</p> <p>11 an inmate?</p> <p>12 A. If the medical staff felt uneasy or if</p> <p>13 the inmate was agitated.</p> <p>14 Q. And if it was necessary for a</p> <p>15 correctional officer to be there, how would the</p> <p>16 correctional officers find out that that was</p> <p>17 requested?</p> <p>18 A. From the staff, from the medical staff.</p> <p>19 They would just ask, "Can you come in here with us,</p> <p>20 please."</p> <p>21 Q. Radio communication?</p> <p>22 A. No.</p> <p>23 Q. What kind of communication would that</p> <p>24 be?</p> <p>25 A. Just face-to-face, right there.</p>

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<p style="text-align: right;">82</p> <p>1 Q. They would just come in and ask you.</p> <p>2 Did you guys have radios that you communicated with?</p> <p>3 A. Yes.</p> <p>4 Q. Were medical staff on radios as well?</p> <p>5 A. They had access to the radios, yes.</p> <p>6 Q. What kind of weapon did you have in the</p> <p>7 jail?</p> <p>8 A. We didn't have weapons in the jail.</p> <p>9 Q. Did you have an asp or anything?</p> <p>10 A. No, nothing. I had nothing but a</p> <p>11 flashlight and handcuffs.</p> <p>12 Q. How tall are you?</p> <p>13 A. Six three.</p> <p>14 MR. SCHRIEVER: All right. Thank you,</p> <p>15 sir.</p> <p>16 MR. WIGHT: Nothing further.</p> <p>17 MR. MYLAR: Nothing further. Read and</p> <p>18 sign.</p> <p>19 (Whereupon the taking of this deposition was</p> <p>20 concluded at 11:20 a.m.)</p> <p>21 * * *</p> <p>22 Reading copy submitted to Mr. Mylar.</p> <p>23 Original transcript submitted to</p> <p>24 Mr. Schriever.</p> <p>25</p>	<p style="text-align: right;">83</p> <p>1 C E R T I F I C A T E</p> <p>2 STATE OF UTAH)</p> <p>3)</p> <p>4 COUNTY OF)</p> <p>5 I HEREBY CERTIFY that I have read the</p> <p>6 foregoing testimony consisting of 80 pages,</p> <p>7 numbered from 3 through 82 inclusive, and the same</p> <p>8 is a true and correct transcription of said</p> <p>9 testimony except as I have indicated changes on the</p> <p>10 enclosed errata sheet.</p> <p>11</p> <p>12 BRETT LYMAN</p> <p>13</p> <p>14</p> <p>15 Subscribed and sworn to at</p> <p>16 this day of , 2018.</p> <p>17</p> <p>18</p> <p>19 Notary Public</p> <p>20</p> <p>21 My Commission Expires:</p> <p>22</p> <p>23</p> <p>24 * * *</p> <p>25</p>
<p style="text-align: right;">84</p> <p>1 C E R T I F I C A T E</p> <p>2 STATE OF UTAH)</p> <p>3)</p> <p>4 COUNTY OF SALT LAKE)</p> <p>5 THIS IS TO CERTIFY that the deposition of</p> <p>6 BRETT LYMAN was taken before me, Linda Van Tassell,</p> <p>7 Registered Diplomat Reporter and Notary Public in</p> <p>8 and for the State of Utah.</p> <p>9 That the said witness was by me, before</p> <p>10 examination, duly sworn to testify the truth, the</p> <p>11 whole truth, and nothing but the truth in said</p> <p>12 cause.</p> <p>13 That the testimony was reported by me and that</p> <p>14 a full, true, and correct transcription is set</p> <p>15 forth in the foregoing pages, numbered 3 through 82</p> <p>16 inclusive.</p> <p>17 I further certify that I am not of kin or</p> <p>18 otherwise associated with any of the parties to</p> <p>19 said cause of action, and that I am not interested</p> <p>20 in the event thereof.</p> <p>21 WITNESS MY HAND at Salt Lake City, Utah, this</p> <p>22 20th day of April, 2018.</p> <p>23 </p> <p>24 Linda Van Tassell</p> <p>25 RDR/RMR/CRR</p>	

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